

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FORREST L. FATE SR.,

Plaintiff,

-against-

NURSE JULIENNO,

Defendant.

19-CV-5519 (PMH)

**AMENDED ORDER GRANTING  
PRO BONO COUNSEL**

PHILIP M. HALPERN, United States District Judge:

On September 6, 2019, Judge Román, who presided over this case before it was reassigned to me on April 3, 2020, granted Plaintiff's request for pro bono counsel (the "September 6 Order"). (Doc. 16).

In light of the duration of time since Plaintiff's request was granted, and given the fact that no pro bono counsel has yet been located for Plaintiff, the Court again directs that the Clerk of Court seek pro bono counsel to enter a limited appearance for the purpose of conducting discovery and opposing Defendant's motion for summary judgment, if Defendant so moves. Counsel will file a Notice of Limited Appearance as Pro Bono Counsel.

The Court adopts the analysis and the conclusions reached in the September 6 Order in their entirety.

**CONCLUSION**

For the foregoing reasons, the Clerk of Court is directed to attempt to locate pro bono counsel to represent Plaintiff for the limited purposes described above. The Court advises Plaintiff that there are no funds to retain counsel in civil cases and the Court relies on volunteers. Due to a scarcity of volunteer attorneys, a lengthy period of time may pass before counsel volunteers to represent Plaintiff. If an attorney volunteers, the attorney will contact Plaintiff

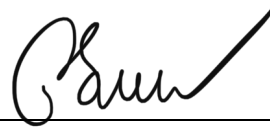
directly. There is no guarantee, however, that a volunteer attorney will decide to take the case, and plaintiff should be prepared to proceed with the case without an attorney.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk shall mail a copy of this Order to Plaintiff at the address on the docket.

SO ORDERED.

Dated: February 22, 2021  
White Plains, New York

A handwritten signature in black ink, appearing to read 'P. Halpern', is written over a horizontal line.

PHILIP M. HALPERN  
United States District Judge